IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

CRL.A.No. 871 of 2002()

CC.403/2001 of JUDL.MAGISTRATE OF FIRST CLASS, AMABALAPUZHA
.....

APPELLANT/COMPLAINANT:

ANU. M.S., SUBAIDA MANZIL,
KAROOR, AMBALAPUZHA

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: STATE & ACCUSED:
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1. **STATE OF KERALA, REPRESENTED BY**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. **M/S. BRILLIANT MARINE EXPORTS, G.13,**
   PANAMPALLI NAGAR, ERNAKULAM.

3. **R. SIVAKUMAR, MANAGING PARTNER,**
   M/S.BRILLIANT MARINE EXPORTS, G.13,
   PANAMPALLI NAGAR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.871 of 2002

Dated this the 6th day of September, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(i) of Crl.P.C. as the complainant was absent. It is submitted that on the particular day he happened to absent on account of some unavoidable reasons.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 5.10.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl